

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BRIAN L. FRECHETTE,

Plaintiff,

v.

AMERIQUEST MORTGAGE COMPANY  
and DEUTSCHE BANK NATIONAL  
TRUST COMPANY, as TRUSTEE of  
AMERIQUEST MORTGAGE  
SECURITIES, INC. ASSET BACKED  
PASS-THROUGH CERTIFICATES,  
SERIES 2003-11 UNDER THE POOLING  
AND SERVICING AGREEMENT DATED  
AS OF NOVEMBER 1, 2003, WITHOUT  
RECOURSE

Defendants.

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CIVIL ACTION NO. 05-11398-RWZ

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, defendants Amerquest Mortgage Company ("Amerquest") and Deutsche Bank National Trust Company, as Trustee of Amerquest Mortgage Securities, Inc., Asset Backed Pass-Through Certificates, Series 2003-11 Under the Pooling and Servicing Agreement Dated as of November 1, 2003, Without Recourse ("Deutsche Bank, as Trustee") (collectively "defendants") hereby move this Court to enter summary judgment on all counts of plaintiff's Complaint on the grounds that plaintiff has not shown and cannot show as a matter of law that defendants failed to accurately disclose certain pre-paid finance charges in violation of Mass. Gen. L. ch. 140D and Mass. Gen. L. ch. 93A. In support of this motion, defendants rely upon their Local Rule 56.1 Statement of Undisputed Material Facts in Support of Defendants' Motion For Summary Judgment, the Memorandum of Law in Support of Defendants'

Motion for Summary Judgment, the Declaration of George T. Crowley, the Declaration of Lisa Cavin, and the Declaration of Ryan M. Tosi, all filed contemporaneously herewith.

WHEREFORE, defendants Ameriquest Mortgage Company and Deutsche Bank National Trust Company, as Trustee of Ameriquest Mortgage Securities, Inc., Asset Backed Pass-Through Certificates, Series 2003-11 Under the Pooling and Servicing Agreement Dated as of November 1, 2003, Without Recourse respectfully request that the Court grant their motion for summary judgment on all counts of plaintiff's Complaint.

**REQUEST FOR ORAL ARGUMENT**

Defendants respectfully request that the Court hear oral argument on this motion.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel for defendants has conferred on numerous occasions regarding the disclosed fees with counsel for plaintiff pursuant to Local Rule 7.1(A)(2), but counsel have been unable to reach agreement on the issues raised by this motion.

Respectfully submitted,

AMERIQUEST MORTGAGE COMPANY and  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE OF  
AMERIQUEST MORTGAGE SECURITIES,  
INC. ASSET BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2003-11 UNDER  
THE POOLING AND SERVICING  
AGREEMENT DATED AS OF NOVEMBER  
1, 2003, WITHOUT RECOURSE

By their attorneys,

*/s/ Phoebe S. Winder*

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Dated: August 25, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed on August 25, 2006 through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 25, 2006.

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*/s/ Phoebe S. Winder*

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Phoebe S. Winder